

Development (1950) Department.

MS SERIES.

Letter

G.O. No. 1836

Dated

6th May 1950

FOR MYSORE STATE

[Despatch Abstract.]

1836
6-5-50

Acts - Factories Act, 1948 - Spread - Over - Extension of period - Amendment.

THE MADRAS PROVINCIAL HOTELS ASSOCIATION

289, China Bazaar Road, Madras.

No.238/8650

Dated 31st January 1950.

To

The Hon'ble Minister for Industries and Labour,
Government of Madras.
Fort St. George,
Madras.

Sub:-The Shops & Establishments Act 1947 and the Factories
Act 1948.

We beg to invite your kind attention to the representations made by us regarding the spread over of the periods of work of persons working in Boarding and Lodging Establishments vide Sec.15 of the Madras Shops and Establishments Act 1947 (Madras Act No.XXXVI of 1947).

After the experience gained in the working of the above Act we find that to impose any restriction at all regarding the spread over period to Boarding and Lodging Houses is highly inconvenient to the travellers who are forced to seek temporary hospitality in such establishments. Such people arrive at the establishments and depart at all hours of the day and night according to transport convenience and have to be attended to during all hours of the day and very often late in the night for various purposes and it has been found impossible to regulate their requirements and needs to particular hours. Workers in these establishments have very light work and in most cases the work is one of "waiting" only. All employees are usually not engaged in work all the eight hours of their working hours for want of work. Those engaged in the preparation of food i.e. cooking will be busy in the early morning and this will be finished in the course of 2 to 3 hours; their services will be required again only during midday for an hour or two to prepare the lunch; when this is over their services will not be required till the time for cooking the night meals. In the same way a portion of the remaining staff will have work only during the serving of meals and tiffin. Thus the work allotted to various classes of workers in Boarding and Lodging Houses are not strictly continuous/in the case of restaurants.

It is already well known to you that the workers in hotels establishments are given many amenities and benefits which are not available to workers in other trades. These concessions are provided to them to enable them to

adjust themselves to the peculiar needs of the Hotel business which is spread over the whole day and a good part of the night.

Under the relevant section of Factories Act 1948 (Central Act No. LXIII of 1948) - Section 56 - which is applicable to most of the Boarding and Lodging Establishments, the spread over period allowed is only 10½ hours which may be increased to 12 hours by the Chief Inspector of Factories. You will remember that the period of 12 hours originally allowed under the Shops and Establishments Act was, as a result of representations made by us, increased to 14 hours by the Government. As even this increased hours did not meet the requirements of the Boarding and Lodging population, we applied for an extension of the period to 16 hours which has not been granted yet. In the meantime the Factories Act has been made applicable to Hotels Establishments. As stated above this Act allows only a maximum spread-over work of 12 hours which is even 2 hours less than what we were allowed under the shops and Establishments Act.

For this section to be complied with hotel establishments will have to engage extra staff the result of which will be a still further reduction in the working hours of the staff and an increased financial burden. This is an impossible proposition at the present moment. The volume of our business has gone down very considerably while at the same time the prices of all Food stuffs and other necessities have gone up very high. Due to the present all round economic depression the business in the Hotel Establishment's have been considerably reduced and many institutions are finding it difficult to maintain themselves without much loss. It very often happens now a days that the workers in a Lodging House are many more than the number of actual lodger .

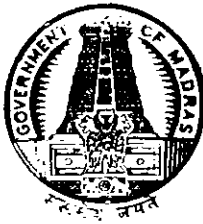
In the circumstances we would earnestly appeal to you to consider the above representation favourably and exempt Boarding as well as Board and Lodging Establishments from the operation of section 15 of the Shops and Establishments Act and Section 56 of the Factories Act.

Thanking yo u

Sd/-,

President.

(True Copy).



Ms.No.1836
Development Department,
Fort St.George,
Dated the 6th May 1950

From
The Secretary to Government,
Development Department.

To
The Secretary to the Government of India,
Ministry of Labour, New Delhi.
(with enclosure).

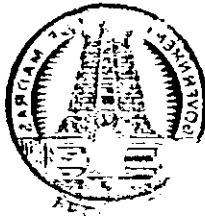
Sir,

Subj: - ~~Factories~~ Act, 1948 - Spread - Over -
Extension of period - Amendment.

I am directed to enclose a copy of the letter No.238/83/50 dated 31-1-50 from the Madras Provincial Hotels Association wherein they represent certain grievances.

The Factories Act of 1948 applies to restaurants and hotels employing 10 or more persons and the Madras Shops and Establishments Act applies to those employing less than 10 persons. Under Section 15 of the ~~Madras~~ Shops and Establishments Act, the periods of work of a person employed in hotels and restaurants should be so arranged that along with the intervals for rest they are not spread over for more than 12 hours in any day. Under section 6 of that Act, however, the Government have power to exempt establishments from the provisions of section 15 of the Act. On a representation received by this Government from managements, the Government have exempted restaurants, eating houses and residential hotels from the provisions of section 15 of the shops and Establishments Act subject to the condition that the periods of work of a person employed in any such establishment along with intervals for rest shall not spread over more than 14 hours in any day.

This exemption applies only to the smaller hotels and restaurants. The Factories Act which governs bigger establishments provides that the periods of work of a worker shall be so arranged that inclusive of intervals for rest they shall not ~~are~~ spread over $10\frac{1}{2}$ hours in any day and this spread over may be increased only to 12 hours by the Chief Inspector of Factories. It is only reasonable that the concession of 14 hours granted to the smaller establishments (under the shops and Establishments Act) should also be extended to the



bigger establishments. This Government would therefore suggest the suitability of amending the Factories Act so as to authorise the Chief Inspector to increase the spread-over period beyond 12 hours.

Yours faithfully,

Sd/- *R. M. Sundaram*

Secretary to Govt.

Copy to the Commissioner of Labour.

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(True Copy)

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RB: 31-7.

Permit
Superintendent.
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